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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,335	11/25/2003	Steven J. Cordray	23725.00	3931

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EXAMINER

FETSUGA, ROBERT M

ART UNIT	PAPER NUMBER
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3751

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/720,335	Applicant(s) CORDRAY ET AL.	
	Examiner Robert M. Fetsuga	Art Unit 3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09/29/05 & 12/02/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-15 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The proposed drawing correction filed on September 29, 2005 is disapproved as containing new matter. Removal of the top support step of the ladder 16 is not supported by the originally filed disclosure. Applicant states at page 5 of the response filed September 29, 2005 that the shading has been removed from the opening 14a. However, more than mere shade lines has been altered in amended Fig. 3.

2. The amendment to claim 13 in the response filed December 02, 2005 is noted.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the

Art Unit: 3751

differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlbeck et al., Sutton et al. and Walton.

The Dahlbeck et al. (Dahlbeck) reference discloses an assembly comprising: a cover 50 including a binding (bead, Fig. 7); and a plurality of clip members 45,46. Therefore, Dahlbeck teaches all claimed elements except for the cover being mesh, and for the clip members having springs, handles and teeth.

Although the material of the Dahlbeck cover is not mesh, as claimed, attention is directed to the Sutton et al. (Sutton) reference which discloses an analogous cover which further includes a mesh material (abstract). Therefore, in consideration of Sutton, it would have been obvious to one of ordinary skill in the cover art to associate mesh material with the Dahlbeck cover in order to reduce weight. Furthermore, the choice of particular weight would appear an obvious choice to be made.

Although the Dahlbeck clip members do not include springs, handles and teeth, as claimed, attention is directed to the Walton reference which discloses an analogous clip member which further includes springs C, handles A,B and teeth D. Therefore,

in consideration of Walton, it would have been obvious to one of ordinary skill in the clip member art to associate springs, handles and teeth with the Dahlbeck clip members in order to facilitate use.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahlbeck, Sutton and Walton as applied to claim 1 above, and further in view of Burkholz et al.

Although the cover of the Dahlbeck assembly does not include an opening and flap, as claimed, attention is directed to the Burkholz et al. (Burkholz) reference which discloses an analogous assembly which further includes a cover 40 having an opening (defined by 56) and flap 55. Therefore, in consideration of Burkholz, it would have been obvious to one of ordinary skill in the cover art to associate an opening and flap with the Dahlbeck assembly in order to facilitate access.

Furthermore, the flap appears to be "removably covering" the opening in the same sense as with applicant's disclosed invention. Moreover, Burkholz further teaches provision of a binding (hem, Fig. 3) more like that disclosed by applicant.

6. Applicant argues at page 8 of the response filed September 29, 2005 Dahlbeck does not disclose a binding. The examiner can not agree. Dahlbeck teaches provision of a bead (Fig. 7) as discussed supra. This feature is comparable to the structure

Art Unit: 3751

applicant has disclosed as comprising the claimed "reinforced binding". In any event, Burkholz teaches a binding (Fig. 3) similar to the structure illustrated by applicant.

7. Claims 13-15 are allowed.

8. Applicant is referred to MPEP 714.02 and 608.01(o) in responding to this Office action.

9. The grounds of rejection have been reconsidered in light of applicant's arguments, but are still deemed to be proper.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3751

10. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 571/272-4886 who can be most easily reached Monday through Thursday. The Office central fax number is 571/273-8300.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga", with a stylized flourish at the end.

Robert M. Fetsuga
Primary Examiner
Art Unit 3751